

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

---

**IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2:18-mn-2873-RMG

**This Document relates to  
*All Cases***

---

**JOINT MOTION FOR EXTENSION OF TIME AND ENTRY OF  
CASE MANAGEMENT ORDER 27G**

Pursuant to Local Civil Rule 6.01, the Defense Leadership and Plaintiffs' Executive Committee ("PEC") (collectively, the "Parties") jointly move to extend the deadlines contained in Section III of Case Management Order ("CMO") 27, which governs the schedule of the Telomer-AFFF Water Provider Bellwether Cases that have advanced to Tier Two discovery. The Parties further request that the Court enter Proposed CMO 27G, attached as Exhibit A, which extends the deadlines as follows:

1. Tier Two fact discovery in the Telomer Water Provider Tier Two Cases shall close on April 1, 2024.
2. On or before May 20, 2024, Plaintiffs shall disclose general and case-specific expert witness reports for the Telomer Water Provider Tier Two Cases pursuant to Fed. R. Civ. P. 26(a)(2).
3. On or before June 24, 2024, Defendants shall disclose general and case-specific expert witness reports for the Telomer Water Provider Tier Two Cases pursuant to Fed. R. Civ. P. 26(a)(2).
4. Plaintiffs shall disclose rebuttal expert witness reports, if any, by July 8, 2024.

5. All depositions of expert witnesses shall be completed by July 29, 2024
6. The parties shall agree or submit to the Court their respective positions on the sequence for trial of the Telomer Water Provider Tier 2 Cases by July 15, 2024. The parties shall agree or the Court shall select the sequence by July 29, 2024.
7. Any motions for summary judgment or for partial summary judgment shall be filed on or before August 5, 2024, in the Telomer Water Provider First Trial Case only.
8. Any motions seeking to challenge expert testimony pursuant to Daubert shall be filed on or before August 29, 2024, in the Telomer Water Provider First Trial Case only.
9. Responses to motions for summary judgment or for partial summary judgment shall be filed on or before September 6, 2024, in the Telomer Water Provider First Trial Case only.
10. Responses to motions seeking to challenge expert testimony pursuant to Daubert shall be filed on or before September 26, 2024, in the Telomer Water Provider First Trial Case only.
11. Reply briefs in further support of summary judgment motions shall be filed on or before September 20, 2024, in the Telomer Water Provider First Trial Case only.
12. Reply briefs in further support of motions seeking to challenge expert testimony pursuant to Daubert shall be filed on or before October 7, 2024, in the Telomer Water Provider First Trial Case only.
13. A more detailed schedule for final pretrial matters, including witness and exhibit lists, motions in limine, deposition designations, and a provision for pre-trial depositions of any trial witnesses not previously deposed will be the subject of a subsequent CMO.
14. Trial Date: The presumptive trial date for the Telomer Water Provider First Trial Case

will be October 28, 2024.

15. All other provisions of CMO 27 remain unchanged.

WHEREFORE, the Parties have diligently pursued discovery under the timelines set forth in CMO 27. However, additional time is needed for the parties to complete expert discovery in the bellwether cases that proceeded to Tier Two discovery in the Telomer AFFF Bellwether Program. As such, the Parties respectfully request that the Court enter CMO 27G to extend the deadlines as requested herein.

*[signatures on following page]*

Respectfully submitted,

By: /s/ Michael A. London

Michael A. London  
Douglas and London PC  
59 Maiden Lane  
6th Floor  
New York, NY 10038  
212-566-7500  
Email:  
mlondon@douglasandlondon.com

Fred Thompson, III  
Motley Rice (Mt Pl)  
28 Bridgeside Boulevard  
Mt Pleasant, SC 29464  
843-216-9000  
Email: fthompson@motleyrice.com

Joseph F. Rice  
Motley Rice  
PO Box 1792  
Mt Pleasant, SC 29465  
843-216-9000  
Email: jrice@motleyrice.com

Paul J. Napoli  
Napoli Shkolnik  
1302 Avenida Ponce de Leon  
Santurce  
Puerto Rico  
Email: pnapoli@napolilaw.com

Scott Summy  
Baron & Budd PC  
3102 Oak Lawn Avenue  
Suite 1100  
Dallas, TX 75219  
214-521-3605  
Email: ssummy@baronbudd.com

*Plaintiffs' Executive Committee*

By: /s/ David E. Dukes

Joseph G. Petrosinelli  
Defendants' Co-Lead Counsel  
Williams & Connolly LLP  
725 Twelfth St., N.W.  
Washington DC 20005  
jpetrosinelli@wc.com  
(202) 434-5547

Michael A. Olsen  
Defendants' Co-Lead Counsel  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, IL 60606  
molsen@mayerbrown.com  
(312) 782-0600

David E. Dukes  
Defendants' Co-Liaison Counsel  
Nelson Mullins Riley & Scarborough LLP  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
david.dukes@nelsonmullins.com  
(803) 799-2000

Brian C. Duffy  
Defendants' Co-Liaison Counsel  
Duffy & Young LLC  
96 Broad St.  
Charleston, SC 29401  
bduffy@duffyandyoung.com  
(843) 720-2044

*Defense Leadership Counsel*

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION**

**MDL No. 2:18-mn-2873-RMG**

**CASE MANAGEMENT ORDER  
NO. 27G**

**This Order relates to All Actions**

**TELOMER AFFF BELLWETHER PROGRAM**

This Case Management Order (“CMO”) extends the deadlines set forth in Section III of CMO 27 in the two water provider bellwether cases selected for Tier Two Discovery in the Telomer AFFF Bellwether Program, which are (1) *City of Watertown v. 3M Company et al.* (No. 2:21-cv-01104) and (2) *Southeast Morris County Municipal Utilities Authority v. 3M Company et al.* (No. 2:22-cv-00199) (the “Telomer Water Provider Tier Two Cases”), as follows:

1. Tier Two fact discovery in the Telomer Water Provider Tier Two Cases shall close on April 1, 2024.
2. On or before May 20, 2024, Plaintiffs shall disclose general and case-specific expert witness reports for the Telomer Water Provider Tier Two Cases pursuant to Fed. R. Civ. P. 26(a)(2).
3. On or before June 24, 2024, Defendants shall disclose general and case-specific expert witness reports for the Telomer Water Provider Tier Two Cases pursuant to Fed. R. Civ. P. 26(a)(2).
4. Plaintiffs shall disclose rebuttal expert witness reports, if any, by July 8, 2024.
5. All depositions of expert witnesses shall be completed by July 29, 2024

6. The parties shall agree or submit to the Court their respective positions on the sequence for trial of the Telomer Water Provider Tier 2 Cases by July 15, 2024. The parties shall agree or the Court shall select the sequence by July 29, 2024.

7. Any motions for summary judgment or for partial summary judgment shall be filed on or before August 5, 2024, in the Telomer Water Provider First Trial Case only.

8. Any motions seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before August 29, 2024, in the Telomer Water Provider First Trial Case only.

9. Responses to motions for summary judgment or for partial summary judgment shall be filed on or before September 6, 2024, in the Telomer Water Provider First Trial Case only.

10. Responses to motions seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before September 26, 2024, in the Telomer Water Provider First Trial Case only.

11. Reply briefs in further support of summary judgment motions shall be filed on or before September 20, 2024, in the Telomer Water Provider First Trial Case only.

12. Reply briefs in further support of motions seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before October 7, 2024, in the Telomer Water Provider First Trial Case only.

13. A more detailed schedule for final pretrial matters, including witness and exhibit lists, motions *in limine*, deposition designations, and a provision for pre-trial depositions of any trial witnesses not previously deposed will be the subject of a subsequent CMO.

14. Trial Date: The presumptive trial date for the Telomer Water Provider First Trial Case will be October 28, 2024.

All other provisions of CMO 27 remain unchanged.

**AND IT IS SO ORDERED.**

April \_\_, 2024  
Charleston, South Carolina

---

Richard Mark Gergel  
United States District Court Judge